

## V. CONDITIONAL USE REQUIREMENTS AND PROCEDURES

### V.1 PURPOSE

Conditional Uses are uses which because of their character, size and potential impacts may or may not be appropriate in particular zoning districts. The conditional use requirement is intended to allow for the integration of certain land uses and structures within the City of Manitou Springs on recommendations imposed by the City Council and Planning Commission. Review is based primarily on compatibility of the use with its proposed location and with surrounding land uses and on the basis of all zoning, subdivision and other Ordinances applicable to the proposed location and zoning district.

Conditional uses shall not be allowed where with condition would create a nuisance, traffic congestion, a threat to the public health, safety, or welfare of the community or a violation of any provision of the Design Guidelines of the City of Manitou Springs, City Code, State Law, rule or regulation promulgated pursuant thereto. Uses not specifically described as permitted in a particular zone district shall be considered a conditional use in that zone district.

### V.2 APPROVAL REQUIRED

Conditional use approval shall be required for those uses not specifically permitted in the district regulations. Conditional uses may be revoked upon failure to comply with conditions of approval for the conditional use.

### V.3 DETERMINATION

In considering any conditional use, the Planning Commission and City Council shall consider all public comments, testimony and evidence pertinent to the proposed use, and shall impose such requirements and conditions necessary for the public welfare and achievement of the Comprehensive Plan and community goals and objectives, which may include a specific time limit on the use.

### V.4 PROCESSING OF CONDITIONAL USES

#### A. APPLICATION - letter stating the existing use and proposed use.

An application for approval of a conditional use shall be filed by a person having an interest in the property to be developed. The application shall be made on a form provided by the City of Manitou Springs.

#### B. PRE-APPLICATION CONFERENCE

A pre-application conference shall be held with the City Planner in order for the applicant to:

1. Become acquainted with the conditional use requirements and other related City requirements;
2. Obtain a check list of what the application shall include plus additional documentation that may be required as set forth in Articles IV, VI, and VII of the Zoning Ordinance.

### C. DOCUMENTATION REQUIRED

The application for conditional use shall include all documentation specified in (General Regulation) plus the following:

1. A site map indicating existing structures and their current uses; and existing surrounding structures and land uses.
2. A written statement of intent explaining the objective to be achieved by the development and a description of the possible impacts, both positive and negative, of the development;
3. Traffic analysis indicating anticipated average daily traffic volumes, if required by the City;
4. Any other information that may be required in order for Planning Commission to make an informed decision as determined by the City Planner.
5. Applicant must submit evidence that surrounding property owners within 100' of subject property have been notified by certified mail.

### D. REVIEW PROCEDURE AND APPROVAL

#### 1. PUBLIC HEARING

Submitted materials are reviewed by the Planning Department for completeness and, if found substantially so, placed on the Planning Commission agenda for public hearing. After consideration of staff, professional/technical, agency and public comment, the Planning Commission will make recommendations and refer the request(s) to the City Council at its next regular meeting following the completion of the summary of action and the submittal of any additional information or plans by the applicant.

#### 2. BASIS FOR ISSUANCE OF A CONDITIONAL USE PERMIT

The Planning Commission shall not recommend a conditional use unless evidence is presented to establish;

- a. That the proposed use in its particular location is necessary or desirable to provide a service or facility that will contribute to the general welfare of the community.
- b. That such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety, and general welfare of persons nor injurious to property or improvements in the community.
- c. That the proposed use will comply with the regulations and conditions specified in the City Code for such use.
- d. That the proposed use conforms to the goals and objectives and Comprehensive Plan for the City of Manitou Springs.

- e. That the proposed use furthers the architectural and historical qualities and character of the community as set forth in the Design Guidelines of the City of Manitou Springs.
- f. That the proposed use is compatible in function and design with surrounding land uses.

#### V.5 FINAL APPROVAL

Final approval or disapproval of a Conditional Use Permit rests with the City Council. The City Council shall make their decision on the basis of recommendations by the Planning Commission. Unless construction is begun, a building permit issued or use commences within a period of one year from the date of conditional use approval, the conditional use approval shall expire.